## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,	)
Plaintiff,	)
vs.	) Case No. 4:09CR0401 DJS/TCM
DAVID QUANG PHAM, D.P.M.,	)
Defendant.	)

## REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

In accordance with the Memorandum filed herein,

IT IS HEREBY RECOMMENDED that Defendant's Motion to Suppress Statements [Doc. 23] be DENIED.

IT IS FURTHER RECOMMENDED that Defendant's Motions to Suppress Evidence [Doc. 25 & 26] be DENIED.

IT IS FURTHER RECOMMENDED that Defendant's Motion to Dismiss Counts 2 through 19 of the Indictment Due to Multiplicity [Doc.27] be **DENIED**.

IT IS FINALLY RECOMMENDED that Defendant's Motion to Sever Count 22 [Doc.29] be DENIED.

The parties are advised that they have eleven (11) days in which to file written objections to this Recommendation and the Memorandum incorporated herein pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained, and that failure to file timely objections may

result in waiver of the right to appeal questions of fact. See Griffini v. Mitchell, 31 F.3d 690, 692 (8th Cir. 1994).

/s/ Thomas C. Mummert, III THOMAS C. MUMMERT, III UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of October, 2009.